

### **REMARKS**

Claims 1-27 are subject to restriction and/or election requirement. Claims 1-22 have been elected. Claims 1-27 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

#### **Restriction under 35 USC § 121:**

The Examiner has required restriction to one of the following inventions: I. Claims 1-22, drawn to a protein microarray, classifiable under DIG 22; or II. Claims 23-27, drawn to a method of making a substrate for fabrication of protein microarrays, classifiable under DIG 46. The Examiner indicates that the inventions are distinct, each from the other because Inventions I and II are related as process of making and product made and the product could be prepared by coating with prefabricated protein-collagen conjugates.

As stated by the Examiner, Claim 1 is limited to a protein microarray, and Claim 23 relates to a method of making a substrate for fabrication of protein microarrays. However, the Applicants traverse the examiner statement that searching invention I with II would impose an undue administrative burden, as prior art searches of the product that is invention I and the method of making them are not coextensive and patent and non-patent literature databases would need to be queried for separate keywords and an in-depth analysis performed for the particular method steps of invention II which would not be necessary for the structure-based search of invention I. The claims are related as a product and a method of making a product having a support, a gelatin layer containing functional groups capable of binding biological probes, and an interposed adhesive interlayer layer capable of maintaining contact with the support and with the gelatin layer. A search for these elements would necessarily identify art further containing the layer of gelatin containing a trifunctional compound A-L-B; wherein A is a functional group capable of interacting with the gelatin; L is a linking group capable of interacting with A and with B; and B is a functional group capable of interacting with a protein capture agent; wherein A may be the same or different from B of claim 23. Therefore, it is suggested that commonality exists among the three Groups identified by the Examiner with respect to the

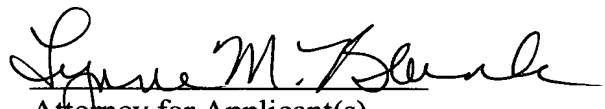
support, the gelatin layer and the interposed adhesive layer. Coextensive searching of the two Groups would not prove seriously burdensome to the Examiner, but would instead be most efficient. Therefore, it is respectfully requested that the Restriction Requirement be reconsidered and withdrawn and that all claims now pending be examined.

**Election of Species:**

The Examiner requires election of particular species. The Applicants elect a single type of protein array comprising an adhesive layer comprising gelatin (claims 9-16). The Applicants elect a microarray of claim 1 wherein the adhesive interlayer comprises gelatin (claim 6). The Applicants elect a microarray of claim 1 wherein the adhesive interlayer layer comprises synthetic polymeric peptizers (claim 7). The Applicants elect a microarray of claim 1 wherein the adhesive interlayer layer copolymers comprises acrylamide polymers (claim 8). The Applicants elect a microarray of claim 10 wherein the organic solvent or mixture of solvents includes acetone (claim 11). The Applicants elect a microarray of claim 17 wherein A is vinyl sulfone (claim 21). The Applicants elect a microarray of claim 17 wherein B is aldehyde (claim 21). The Applicants do not elect a protein capture agent from the method of claim 23, as claim 23 is a claim for the non-elected invention. However, if such election was still required, the Applicants would have elected an antibody (claim 26).

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.